

Open Court.

CENTRAL ADMINISTRATIVE TRIBUNAL, ALLAHABAD BENCH,
ALLAHABAD.

original Application No. 39 of 1997

this the 19th day of May 2003.

HON'BLE MRS. S.K. AGRAWAL, MEMBER (A)
HON'BLE MRS. MEERA CHHIBBER, MEMBER (J)

Raj Narain, S/o Ganga, R/o Gram Pandeypur, post Kusehri,
District Deoria.

Applicant.

By Advocate : Sri N.P. Singh (absent).

Versus.

1. Union of India through the General Manager, N.E.R., Gorakhpur.
2. Pravender Mandal prachandhak prachalan, N.E.R., Varanasi.
3. Traffic Nirdeshak Marvadhi, Varanasi.
4. Station Supdt., N.E.R., Marvadhi, Varanasi.

Respondents.

By Advocate : Sri K.P. Singh (absent).

O R D E R (ORAL)

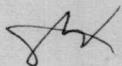
BY S.K. AGRAWAL, MEMBER (A)

None appeared for the applicant as well as respondents even after passa-over. From the ordersheet, it is seen that the applicant does not seem to be interested in pursuing this application as almost recent~~ly~~ dates viz. 8.4.2002, 10.7.2002, 19.8.2002, 7.10.2002, 22.11.2002, 6.1.2003, 5.3.2003 and even today the applicant or his counsel did not attend the Tribunal. It is also noticed that the applicant has not filed any Rejoinder affidavit after the Counter affidavit was filed by the respondents. The case is, therefore, taken-up on merits ^{as it pertains to the year 1997} on the basis of the facts stated in the O.A. as well as counter reply filed by the respondents under Rule 15(1) of CAT (procedure).

Rules, 1987.

2. The facts, in brief, are that the applicant was appointed on regular basis w.e.f. 21.2.1995 and regularly worked except with artificial break upto 5.4.1996.

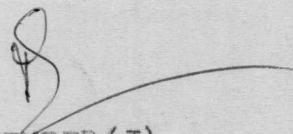
3. It has been stated by the respondents in the Counter reply that the applicant in the present case Sri Raj Narain, S/o Sri Ganga, R/o Gram Pandeypur, post office Kusehri, District Deoria was not a listed candidate of Varanasi, but he appeared as fake candidate against Raj Narain, S/o Sri Gaya, R/o Village Ratanpura (Bisukia), post Office Ratanpura, District Mau, who was a listed candidate of Varanasi Division, Varanasi. It is further stated that as soon as this situation came to the notice of the authorities, they did not allow the applicant for taken-up to be further duty as such his claim was false as per address given. It has been further mentioned in the Counter reply that from the bare perusal of the original Application, it appears that the present original application is being filed by Raj Narain, S/o Sri Ganga, R/o Village Pandeypur, post office Kusehri, District Deoria, which pertain to Raj Narain S/o Sri Ganga R/o Village Ratanpura (Bisukia), post Office Ratanpura, District Mau. It is further mentioned by the respondents that the Annexures given by the applicant with the O.A. are not from the present applicant side, whose father's name and address are different to that person. As per the respondents' counter reply, from the bare perusal of entire case, it appears to be forged, fabricated with malafide intention, hence the O.A. is not maintainable. The respondents have further mentioned that the original application reveals that the present applicant has not come with clean hands rather he has filed false affidavit and documents and for the same he is liable to be punished for such act under Section 193 of IPC for giving affidavit before this Tribunal.



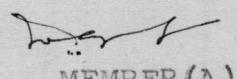
4. Besides, the applicant has stated in the O.A. that he had worked 240 days in one calender year and, therefore, his services cannot be terminated without complying the provisions of 6 (N) of the Industrial Disputes Act, 1947, which was not complied with in the case of the applicant.

5. The Hon'ble Supreme Court in the case of K.P. Gupta vs. Controller, printing & Stationery (1996) 32 ATC 211 has held that the Tribunal has no jurisdiction to hear the cases filed under I.D. Act, 1947. Even otherwise, the applicant has not filed any Rejoinder affidavit rebutting the averments made by the respondents in their Counter reply, although sufficient time has passed after Counter reply was filed. Therefore, the facts stated in the Counter reply are deemed to have been admitted by the applicant in law.

6. In view of the above, the O.A. is devoid of merits and the same is accordingly dismissed. No costs.



MEMBER (J)



MEMBER (A)

GIRISH/-